

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

JUAN OCASIO,

Defendant.

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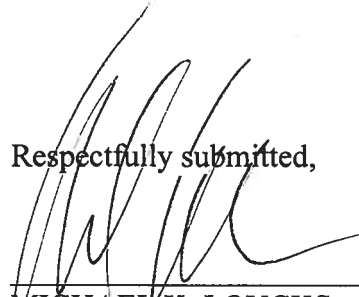
Criminal No. 07-10102-MLW

**DISMISSAL OF JUAN OCASIO
FROM ALL COUNTS OF THE INDICTMENT**

Pursuant to FRCP 48(a), the Acting United States Attorney for the District of Massachusetts, Michael K. Loucks, hereby dismisses, with prejudice, the defendant Juan Ocasio from the above-captioned Indictment, which charges him in Count One with conspiracy to distribute cocaine, and in Count Two with attempted possession with intent to distribute cocaine, both in violation of 21 U.S.C. §846. In support thereof, the government states that, both because it agrees that the show-up identification, photo spread identification, and any prospective in-court identification of the defendant by either of the two witnesses referenced in the defendant's motion to suppress should be suppressed, and because information it learned of in May 2009 fatally undermines the credibility of one of its essential witnesses, the government does not believe that it can now prove the charged offenses beyond a reasonable doubt. Accordingly, further prosecution of the defendant in this matter is contrary to the public interest and dismissal


of the charges is in the interests of justice.

Respectfully submitted,



MICHAEL K. LOUCKS
Acting United States Attorney

By:



JAMES F. LANG, Acting Deputy Chief
Criminal Division

ROBERT A. FISHER
Assistant U.S. Attorney

Leave to File Granted:

Mark L. Wolf, Chief Judge
United States District Court